

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11..01..2018

CORAM:

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

Crl.O.P.No.269 of 2018

Justin John

..... Petitioner

-Versus-

State Rep. By
The Inspector of Police,
Thuraipakkam Police Station,
Chennai.
[Crime No.3033 of 2017]

..... Respondent

Petition filed under Section 439(1) (b) of Cr.P.C. praying to modify the condition in respect of furnishing cash surety for Rs.2,00,000/- imposed by the learned Judicial Magistrate, Alandur, in Crl.M.P.No.7245 of 2017 while granting bail to the petitioner on 28.12.2017.

For Petitioner : Mr.B.Kumarasamy

For Respondent : Mr.R.Ravichandran,
Government Advocate,
[Criminal Side]

ORDER

This petitioner was arrested and remanded to custody on 07.12.2017 in connection with a case in Crime No.3033 of 2017 for offences u/s 419, 420, 465, 468 and 471 of IPC. He was granted bail in Crl.M.P.No.7245 of 2017 by the learned Judicial Magistrate, Alandur, on the following condition:

"(i) the petitioner is released on bail on executing a bond for a sum of Rs.25,000/- with 2 sureties for the like sum out of which one surety must be close relative and on furnishing Aadhaar Card r Bank and Pass Book for the same;

(ii) he shall deposit a sum of Rs.2,00,000/- as cash surety, and

(iii) he shall appear before the respondent police daily at 10.30 a.m. for a

period of 30 days.”

2. Heard both sides.

3. Though bail was granted as early as on 28.12.2017, the petitioner was not able to furnish cash surety as directed by the learned Magistrate and therefore, he continued to be in jail. Hence this petition.

4. The learned counsel for the petitioner would submit that the petitioner has been languishing in jail for the last more than two months and that the condition No.(ii) imposed by the learned Magistrate to deposit a sum of Rs.2,00,000/- as cash surety is onerous and that the family members of the petitioner were not able to mobilize such a huge amount to furnish as cash surety and to bail him out.

5. The learned counsel for the petitioner further submitted that even as per the prosecution case the petitioner is said to have obtained a power of attorney from one Ms.Rani Kuzhandaisami in respect of a property whereas later on it was found to be a forged one. The learned counsel for the petitioner would, as per instructions given to him, submit that the alleged fabricated power of attorney had already been handed over to the Investigating Officer.

6. When the matter came up on the previous hearing, the learned counsel for the petitioner was directed to verify as to the custody of the original sale deed. Today, accordingly, the learned counsel for the petitioner submitted that the original sale deed is available with the custody of the petitioner. The learned counsel would add that he was informed that the original sale deed would be produced by the petitioner before the learned jurisdictional Magistrate as soon as he is bailed out.

7. Having regard to the submissions made by the learned counsel for the petitioner and the other facts and circumstances of the case, this court is inclined to delete the condition (ii) alone whereby the learned Magistrate directed the petitioner to deposit a sum of Rs.2,00,000/- as cash surety and that the other conditions imposed by the learned Magistrate shall remain unaltered. Apart from the above, the petitioner directed to produce the original sale deed in question before the learned Judicial Magistrate, Alandur, Chennai, within a period of 7 days from the date of his release from jail.

8. In the result, this criminal original petition is ordered as indicated above.

Sd/-
Asst.Registrar (CO)

/true copy/

Sub Asst. Registrar

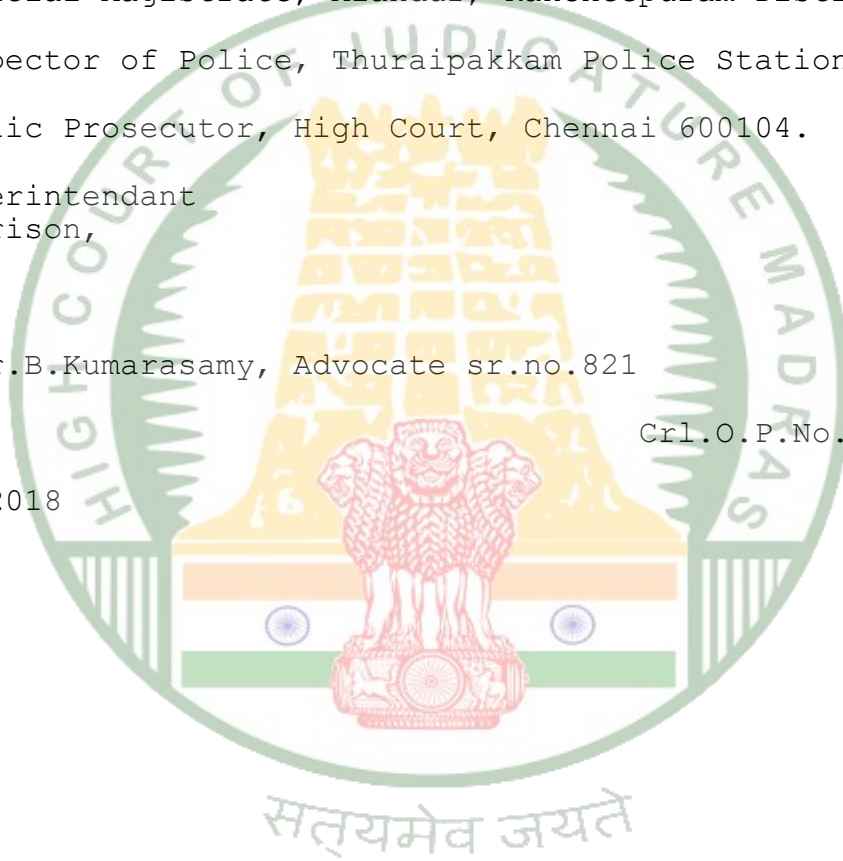
To

- 1.The Judicial Magistrate, Alandur, Kancheepuram District.
- 2.The Inspector of Police, Thuraipakkam Police Station, Chennai.
- 3.The Public Prosecutor, High Court, Chennai 600104.
- 4.The Superintendent
Central Prison,
Puzhal,
Chennai.

+1cc to Mr.B.Kumarasamy, Advocate sr.no.821

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